

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, JANUARY 14, 2010**

**Invocation:** Pastor Roy Jones, New Hope Missionary Baptist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, January 14, 2010 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:09 a.m.

**CONSENT AGENDA**

The following items were acted on by one motion. No separate action occurred on any of the items.

1. Approve the Minutes of the Austin City Council regular meeting of December 17, 2009.  
The minutes from the meeting of December 17, 2009 were approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.
2. Approve issuance of a rebate to Leander Independent School District - Four Points Middle School, for the installation of energy efficient equipment in an amount not to exceed \$55,638. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy, Conservation Rebates and Incentives Fund. Recommended by the Electric Utility Commission and the Resource Management Commission.  
The motion approving the issuance of a rebate to Leander Independent School District – Four Points Middle School was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.
3. Approve issuance of a rebate to the Texas Facilities Commission - William B. Travis Building, for the installation of energy efficient equipment in an amount not to exceed \$77,443. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy, Conservation Rebates and Incentive Fund. Recommended by the Electric Utility Commission and the Resource Management Commission.  
The motion approving the issuance of a rebate to the Texas Facilities Commission – William B. Travis Building was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.
4. Authorize award and execution of Amendment No. 8 to a requirements service agreement with GREATER AUSTIN ECONOMIC DEVELOPMENT CORPORATION, Austin, TX for continued participation in the Opportunity Austin Campaign and adding five extension options in an estimated amount not to exceed \$350,000 per extension option, for a revised ten-year total estimated contract amount not to exceed \$3,530,000. Funding in the amount of \$262,500 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the remaining three months of the current

term and the remaining extension options is contingent on available funding in future budgets. Contract Amendment The Electric Utility Commission recommended funding only one 12-month extension.

**The motion authorizing the award and execution of amendment number eight to a requirements service agreement with Greater Austin Economic Development Corporation was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

5. Approve an ordinance changing the name of a portion of Autumn Bay Drive to Breckenridge Drive as authorized under Chapter 14-5. The application fee of \$415.00 has been received. There is no processing fee for sign replacement because the Subdivision Final Inspection has not yet occurred. The developer is responsible for setting the sign.  
**Ordinance No. 20100114-005 was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**
6. Authorize execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE with WE BUILD FUN, INC., Allen, TX, for the purchase and installation of a splash pad in Bailey Park in the amount of \$341,564 plus a \$17,349 contingency, for a total contract amount not to exceed \$358,913. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department. Cooperative Purchase this contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women Owned Business Enterprise Procurement Program). Although this contract is exempt under Chapter 791 of the Texas Government Code and no goals were established for this solicitation, 5.56% MBE and 9.08% WBE subcontractor participation has been met.  
**The motion authorizing the execution of a contract through the Texas Local Government Purchasing Cooperative with We Build Fun, Inc. was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**
7. Authorize execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE with PARK PLACE RECREATION DESIGNS, INC., San Antonio, TX, for the purchase and installation of a splash pad in Bartholomew Park in the amount of \$318,200 plus a \$15,910 contingency, for a total contract amount not to exceed \$334,110. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women Owned Business Enterprise Procurement Program). Although this contract is exempt under Chapter 791 of the Texas Government Code and no goals were established for this solicitation, 48.40% MBE subcontractor participation has been met.  
**The motion authorizing the execution of a contract through the Texas Local Government Purchasing Cooperative with Park Place Recreation Designs, Inc. was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**
8. Authorize execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE with KRAFTSMAN PLAYGROUND & PARK EQUIPMENT, Spring, TX, for the purchase and installation of splash pads in West Austin and Mary Francis Baylor Clarksville Parks in the amount of \$773,585.29 plus a \$38,679 contingency, for a total contract amount not to exceed \$812,264.29. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women Owned Business Enterprise Procurement Program). Although this contract is exempt under Chapter 791 of the Texas Government Code and no goals were established for this solicitation, 3.31% MBE and 5.06% WBE subcontractor participation has been met.  
**The motion authorizing the execution of a contract through the Texas Local Government Purchasing Cooperative with Kraftsman Playground & Park Equipment was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

9. Authorize execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE with T.F. HARPER & ASSOCIATES LP, Austin, TX, for the purchase and installation of splash pads in Lott, Chestnut and Eastwoods Parks in the amount of \$841,523 plus a \$42,076 contingency, for a total contract amount not to exceed \$883,599. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women Owned Business Enterprise Procurement Program). Although this contract is exempt under Chapter 791 of the Texas Government Code and no goals were established for this solicitation, 2.04% MBE subcontractor participation has been met.

**The motion authorizing the execution of a contract through the Texas Local Government Purchasing Cooperative with T.F. Harper & Associates LP was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

Items 10-12 were pulled for discussion.

13. Authorize the negotiation and execution of easement acquisition for the South IH 35 Water and Wastewater Infrastructure Improvements Program, including a 6.732 Acre Right-of-Way, a 2.159 Acre Drainage Easement, a .019 Acre Drainage Easement, a 1.419 Acre Water Quality, Detention and Drainage Easement, a .129 Acre Slope Easement, a .013 Acre Slope Easement, a .015 Acres Slope Easement and a .775 Acre Waterline Easement from land situated in the Santiago Del Valle Grant, Abstract Number 24, Travis County, Texas, being a portion of that certain 123.2 acres of land conveyed to Edward J. Gillen in deed dated May 30, 1995, described in Volume 12453, Page 427 of the Real Property Records of Travis County, Texas, Austin, Texas. Property is located off of Thaxton Road and is currently owned by CONSTANCE A. GILLEN, Individually and as Independent Executor of the Estate of Mildred M. Gillen, Deceased, Cause No. 88718, Probate Court No. 1, Travis County, Texas in the amount of \$436,982.40. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility.

**The motion authorizing the negotiation and execution of easements acquisition from Constance A. Gillen for the South IH 35 Water and Wastewater Infrastructure Improvements Program was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

14. Authorize execution of renewal and amendment of the Interlocal Cooperation Agreement between the City and Travis County to provide ground emergency medical services in areas of Travis County outside the City's corporate limits and support services to Travis County's STAR Flight program for a 12-month term beginning on October 1, 2009, in exchange for payment of \$10,924,389.92 by Travis County.

**The motion authorizing the execution of a renewal and amendment of the interlocal cooperation agreement between the City and Travis County was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

15. Approve negotiation and execution of a social services Interlocal Agreement with AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER to provide mental health support funding for a nine-month term beginning January 1, 2010, in an amount not to exceed \$1,260,871, with an option to renew for one 12-month term beginning October 1, 2010, in an amount not to exceed \$1,681,161, for a total contract amount not to exceed \$2,942,032. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department. Funding for the agreement renewal option is contingent on available funding in future budgets.

**The motion authorizing the negotiation and execution of a social services interlocal agreement with Austin Travis County Mental Health Mental Retardation Center was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

16. Approve negotiation and execution of an Interlocal Agreement with the TEXAS DEPARTMENT OF STATE HEALTH SERVICES to purchase human immunodeficiency virus medications for eligible clients under the City's Ryan White Part A HIV Emergency Relief Project grant for a six-week term beginning January 14, 2010, in an amount not to exceed \$100,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department Special Revenue Fund, Ryan White Part A HIV Emergency Relief Project grant program. The agreement period is January 14, 2010 through February 28, 2010. The grant period is March 1, 2009 to February 28, 2010.

**The motion authorizing the negotiation and execution of an interlocal agreement with the Texas Department of State Health Services was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

17. Authorize negotiation and execution of Amendment No. 8 to the Interlocal Cooperation Agreement among the CITY OF AUSTIN, AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER, and TRAVIS COUNTY for substance abuse treatment and related behavioral healthcare services for a nine- month term beginning January 1, 2010, in an amount not to exceed \$719,243, with an option to renew for one 12-month term beginning October 1, 2010, in an amount not to exceed \$958,990, for a total contract amount not to exceed \$1,678,233. Funding in the amount of \$486,743 is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department. Funding in the amount of \$232,500 is included in the Fiscal Year 2009-2010 Operating Budget of the Community Court. Funding for the agreement renewal option is contingent on available funding in future budgets.

**The motion authorizing the negotiation and execution of amendment number eight to the interlocal cooperation agreement among the City of Austin, Austin Travis County Mental Health Mental Retardation Center, and Travis County was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

18. Approve an ordinance accepting \$99,447 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, DIVISION FOR FAMILY AND COMMUNITY HEALTH SERVICES, TEXAS HEALTHY ADOLESCENT INITIATIVE, and amending the Fiscal Year 2009-2010 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$99,447 for a comprehensive program promoting adolescent health, and to add one and one-quarter full-time equivalent positions. Funding is available from the Texas Department of State Health Services, Texas Healthy Adolescent Initiative. The grant period is January 1, 2010 through August 31, 2010. No City match is required.

**Ordinance No. 20100114-018 was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

19. Authorize negotiation and execution of Amendment No. 1 to the social service contract with CARITAS OF AUSTIN to increase funding by \$28,410, for a total contract amount not to exceed \$482,282 for the period October 1, 2009 through September 30, 2010. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department Special Revenue Fund, Community Services Block Grant. Grant period is January 1, 2009 through April 30, 2010.

**The motion authorizing the negotiation and execution of amendment number one to the social service contract with Caritas of Austin was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

20. Approve an ordinance accepting \$3,000 in grant funds from Humanities Texas and amending the Fiscal Year 2009-2010 Library Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$3,000 for the Mexican American Firsts: Trailblazers of Austin and Travis County grant program. Funding is available from Humanities Texas. The grant period is from January 1, 2010 through May 30, 2011.

**Ordinance No. 20100114-020 was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

**Item 21 was pulled for discussion.**

22. Approve an ordinance amending Ordinance No. 20091105-057 to correct the name of the historic property known as the Thomas House, located at 1603 Niles Road (C14H-2009-0022).

**Ordinance No. 20100114-022 was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

23. Authorize negotiation and execution of a contract with the Austin Community Foundation (ACF) to manage the Urban Forest Replenishment Fund according to the requirements of the City's Urban Forest Grant Program (UFGP) guidelines in the amount of \$100,000, with automatic annual renewals up to ten years in the amount specified in the City's annual budget. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Planning and Development Review Department. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned) Business Enterprise Procurement Program). This contract is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this contract. Recommended by Urban Forest Forestry Board.

**The motion authorizing the negotiation and execution of a contract with the Austin Community Foundation (ACF) was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

24. Approve an ordinance establishing classifications and positions in the classified service of the Austin Police Department eliminating and creating certain positions; and repealing Ordinance No. 20091119-040 relating to Police Department classifications and positions. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Police Department.

**Ordinance No. 20100114-024 was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

25. Authorize award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with ROCKFORD BUSINESS INTERIORS, Austin, TX, for the purchase and installation of free standing system furniture at the Austin Police Department's, Austin Ridge location in an amount not to exceed \$87,370.67. Funding is available in the 2009-2010 Capital Budget of the Austin Police Department. This cooperative contract is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

**The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with Rockford Business Interiors was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

26. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members. **The following appointments and waivers were approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

**Board****Renaissance Market Commission**

Cecile Hollyfield  
Rama Tirumalachar

**Nominated By:**

Council Member Riley  
Mayor Pro Tem Martinez

**Intergovernmental Bodies****Capital Area Metropolitan Planning Organization Transportation Policy Board**

Approve a resolution appointing Mayor Pro Tem Mike Martinez to serve as an alternate to the CAMPO Transportation Policy Board.

**Resolution No. 20100114-026A was approved on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

**City of Austin Employees' Retirement System Board**

Approve a resolution appointing Council Member William "Bill" Spelman to the City of Austin Employees' Retirement System Board.

**Resolution No. 20100114-026B was approved on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

27. Approve an ordinance amending Ordinance No. 20091105-038 related to the appointment of Associate Judges and Substitute Judges to the City of Austin Municipal Court for the 2010-2013 judicial term. Recommended by the Council Judicial Committee. (Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez Council Member William Spelman)  
**Ordinance No. 20100114-027 was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

**Item 28 was pulled for discussion.**

29. Approve the reimbursement of certain fees for booths at the Eat Local Week special event sponsored by Edible Austin, Inc. which was held on Saturday and Sunday, December 5-6, 2009. (Council Member Laura Morrison Mayor Lee Leffingwell Council Member Sheryl Cole)  
**The motion approving the reimbursement of certain fees for booths at the Eat Local Week special event sponsored by Edible Austin, Inc. was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**
30. Set a public hearing to consider amendments to the Land Development Agreement between the City and Austin Independent School District to increase the height regulations for a structure associated with a Performing Arts Center at McCallum High School, located at 5600 Sunshine Drive. Suggested date and time: February 4, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set for February 4, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.**

31. Set a Public Hearing to consider an ordinance adopting the local standards of care for the Parks and Recreation Department's children's recreation program(suggested date and time: January 28, 2010, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set for January 28, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.

Item 32 was a briefing item set for 10:30 a.m.

Items 33 through 35 were Executive Session items.

Items 36 through 39 were zoning items set for 2:00 p.m.

Items 40 and 41 were public hearing items set for 4:00 p.m.

Item 42 was a public hearing item set for 6:00 p.m.

Item 43 was an addendum item.

#### **DISCUSSION ITEMS**

10. Authorize execution of a construction contract with SMITH CONTRACTING CO, INC., Austin, TX, for the Group 11 Reconstruction and Utility Adjustments for Fawn Ridge, Parker Lane, Woodlawn Hills and Colorado Hills Estates Phase 1, an ACCELERATE AUSTIN PROJECT, in the amount of \$1,080,497.50 plus a \$54,024.88 contingency, for a total contract amount not to exceed \$1,134,522.38. Funding in the amount of \$625,794.23 is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Funding in the amount of \$508,728.15 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of eight (8) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 8.63% MBE and 2.37% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

**Items 10, 11, and 12 were acted upon in a combined motion. See item 12 below.**

11. Authorize execution of a construction contract with AARON CONCRETE CONTRACTORS, LP, Austin, TX (MBE/MH-57.40%), for the Group 4 Southeast Residential Collector Street Reconstruction and Utility Adjustments for Montopolis Drive, an ACCELERATE AUSTIN PROJECT, in the amount of \$3,352,426.50 plus a \$167,621.33 contingency, for a total contract amount not to exceed \$3,520,047.83. Funding in the amount of \$3,044,313.83 is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Funding in the amount of \$475,734 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of nine (9) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 57.40% prime participation; 18.78% MBE and 8.26% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

**Items 10, 11, and 12 were acted upon in a combined motion. See item 12 below.**

12. Authorize execution of a construction contract with CAPITAL EXCAVATION COMPANY, Austin, TX, for the Pfluger Bridge Extension Project in the amount of \$1,785,385.40 plus a \$90,000 contingency, for a total contract amount not to exceed \$1,875,385.40. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Lowest bid of four (4) bids received. This contract will

be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 1.69% MBE 0.29% WBE subcontractor participation.

The joint motion to:

- authorize the execution of a construction contract with Smith Contracting Co., Inc. (10),
  - authorize the execution of a construction contract with Aaron Concrete Contractors, LP (11), and
  - authorize the execution of a construction contract with Capital Excavation Company (12)
- was approved on Council Member Riley's motion, Council Member Shade's second on a 7-0 vote.

21. Authorize the negotiation and execution of an Interlocal Agreement between the City of Austin and Texas State University - San Marcos to conduct a comprehensive business analysis of the City of Austin owned cemeteries in an amount paid to Texas State University not to exceed \$24,000. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Parks and Recreation Department.

The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Texas State University – San Marcos was approved on Council Member Riley's motion, Council Member Shade's second on a 7-0 vote.

28. Approve a resolution detailing the Holly Good Neighbor Program funding plan for Fiscal Year 2009-2010. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell )

Resolution No. 20100114-028 was approved on Mayor Pro Tem Martinez' motion, Mayor Leffingwell's second on a 7-0 vote.

43. Approve a resolution directing the City Manager to apply for the 2009 SAFER grant and conduct a fiscal analysis. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell and RandiC Shade )

Resolution No. 20100114-043 was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

### BRIEFING

32. Staff briefing on the recommendations of the Downtown Austin Plan Density Bonus Report  
The presentation was made by Jim Robertson, Planning and Development Review Department.

Council Member Cole asked staff to conduct outreach to gain a better understanding of stakeholders' and the general community's concerns and priorities for downtown.

Council Member Cole asked staff to work with the Planning Commission to consider excluding from the density bonus program certain areas that need to be developed but cannot be profitable.

Council Member Morrison asked staff to consider whether certain elements of the recommended density bonus program should or should not be incentivized in certain districts.

### CITIZEN COMMUNICATION: GENERAL

Rae Nadler-Olenick - Water fluoridation

Robert G. MacDonald - The Lost of Home Less Ness & Hope Less Ness. He was not present when his name was called.



Gavino Fernandez - Feliz Año Nuevo! 2010. Happy New Year! 2010. South by Southwest music events and the East Austin studio tours need to be removed from the barrio. Clear code violations of zoning in barrios zoned Sf.. He was not present when his name was called.

Dan McAtee - Solar rebate. He was not present when his name was called.

CarolAnneRose Kennedy - WHEN BENEATH YOUR WINGS...A SONG BY JENNIFER GALE

Malartha Bosier - Community safety

Winston Michael Ray - Economic stimulus package for Austin's poor community

Eliot Tretter - City owned land

Rob Seidenberg - East 12th street

Ronnie Reefersseed - Freedom and peace and the fallacy of City communication censorship

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:43 p.m.

#### **EXECUTIVE SESSION**

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

33. Discuss matters relating to Austin Energy's renewable generation planning (Public Power Utility Competitive Matter - Section 551.086).
34. Discuss legal issues regarding Lion's Municipal Golf Course and the University of Texas land known as the Brackenridge Tract. (Private Consultation with Attorney - Section 551.071).
35. Discuss legal issues related to Northwest Austin Municipal Utility District No. 1, et al. v. City of Austin, et al.; No. GN203,378, 53rd District Court, Travis County, Texas; and Ban, et al v. City of Austin, et al.; No. D-1--GN-09-000047, 345th District Court, Travis County, Texas (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:15 p.m.

#### **ZONING ITEM**

36. C14-2009-0079 - Austin Hotel Holdings, LLC. - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 201, 205, & 207 W. 5th St. (Town Lake Watershed) from central business district (CBD) district zoning to central business district-central urban redevelopment (CBD-CURE) combining district zoning. First reading approved on December 10th, 2009. Vote: 6-0 (Martinez off the dais), Applicant: Austin Hotel Holdings, LLC. Agent: Drenner & Golden Stuart Wolff, LLP. City Staff: Clark Patterson, 974-7691.

**Ordinance No. 20100114-036 for central business district-central urban redevelopment (CBD-CURE) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

### **ZONING CONSENT ITEMS**

**The following zoning items were acted on by one motion. No separate action occurred on any of the items.**

37. C14-2008-0220 - Double Creek Village - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10200 - 10614 South IH-35 Service Road Southbound (Slaughter and Onion Creek Watersheds) from interim rural-residence (I-RR) district zoning and general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-mixed use (CS-MU) combining district zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: To be reviewed on February 16, 2010. Applicant: Sterling/Babcock & Brown Double Creek LP (Drew M. Ireland). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 974-7719.  
**This item was postponed on consent to March 11, 2010 at the staff's request on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
38. C14-2009-0031 - The Moore Redbird Project - Conduct a public hearing and approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 313 Red Bird Lane (Williamson Creek Watershed) from single-family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) with conditions. First reading approved on July 23, 2009. Vote: 4-3 (Mayor Leffingwell, Morrison and Riley voted Nay). Second reading approved on November 5, 2009. Vote: 4-3 (Mayor Leffingwell, Morrison and Riley voted nay). Applicant: Leslie M. Moore. Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.  
**The public hearing was closed and Ordinance No. 20100114-038 for family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) with conditions was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote. The valid petition was withdrawn. The conditional overlay was modified to require compliance with the McMansion regulations.**
39. C14-2009-0146 - Austin Vet Care - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3923 Medical Parkway (Shoal Creek Watershed) from general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning to change a condition of zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning to change a condition of zoning. Applicant: La Mar Casa (Jasen Trautwein). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Clark Patterson, 974-7691.  
**The public hearing was closed and Ordinance No. 20100114-039 for general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning to change a condition of zoning was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

**Mayor Leffingwell recessed the Council Meeting at 2:24 p.m.**

Mayor Leffingwell called the Council Meeting back to order at 4:08 p.m.

**4:00 PUBLIC HEARINGS AND POSSIBLE ACTION**

40. Conduct a public hearing and consider an appeal by the River Bluff Neighborhood Association of a decision to approve an Outdoor Music Venue permit for Sustainable Waves, located at 4822 E. Cesar Chavez.

Items 40 and 41 were acted upon in a combined motion. See item 41 below.

41. Conduct a public hearing to consider an appeal by North University Neighborhood Planning Team regarding the decision to approve an Outdoor Music Venue Permit for Little Woodrow's, located at 2610 Guadalupe.

The joint motion to postpone items 40 and 41 to February 11, 2010 was approved on Council Member Morrison's motion, Council Member Spelman's second on a 5-0 vote. Mayor Pro Tem Martinez and Council Member Cole were off the dais.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 4:11 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 4:14 p.m.

Mayor Leffingwell recessed the Council Meeting at 4:15 p.m.

**LIVE MUSIC**

CHAMPS String Quartet from Kealing Middle School

**PROCLAMATIONS**

Presentation to the City – United Health Care's "Well Deserved" Award – to be presented by UHC's Carol Calvin, Brad Van Winkle and Stephen Watson and to be accepted by Mayor Lee Leffingwell and HR Director Mark Washington

Certificate of Congratulations – Better Business Bureau – to be presented by Mayor Lee Leffingwell and to be accepted by Erin Dufner, BBB

Proclamation – National Mentoring Month – to be presented by Mayor Lee Leffingwell and to be accepted by Big Brothers Big Sisters representatives Evan Spaulding, Michael Ledesma and Chelsea Woodhead

Mayor Leffingwell called the Council Meeting back to order at 6:05 p.m.

**6:00 PUBLIC HEARINGS AND POSSIBLE ACTION**

42. Conduct a public hearing and consider an ordinance granting a site specific amendment to City Code section 25-8-514 (Save our Springs Initiative) and a variance to City Code section 25-8-482 (Critical Water Quality Zone) to allow construction of a temporary access road and temporary crane pad in the Critical Water Quality Zone of Barton Creek. This action concerns land located within the Barton Springs

Zone. Recommended by the Environmental Board, Parks/Environmental Joint Sub- Committee, Parks Board, and the Planning Commission.

The public hearing was closed and Ordinance No. 20100114-042 was approved on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.

Mayor Leffingwell adjourned the meeting at 6:39 p.m. without objection.

The minutes for the regular meeting of January 14, 2010 were approved on this the 4th day of February 2010 on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.